

REMARKS

Claims 1-16 are pending. Claims 9-12 are found allowable subject to being rewritten in independent form.

Allowable claim 11 has been rewritten in independent form. Claims 13 and 14 dependent from claim 11 have been added. It is noted that claims 13 and 14 correspond to the claims 2 and 3.

New claims 15 and 16 dependent from claim 5 have been added. It is noted that the subject matter of claims 15 and 16 correspond to the subject matter of allowable claims 11 and 12.

Claims 1-8 have been rejected under 35 U.S.C. 103 as being unpatentable over Cheng et al.

It is respectfully submitted that this rejection is defective.

Claim 1 recites a method of configuring a transceiver having an output driver for driving an output terminal to provide data transmission via residential twisted pair wiring, the method comprising the steps of:

setting a DC level at the output terminal for supplying a transmit signal of a prescribed level to the residential twisted pair wiring,

comparing a controlled value representing the DC level with a predetermined threshold level, and

controlling the output driver until the controlled value is equal to the threshold level.

In accordance with the Guidelines for Determining Obviousness, the key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reasons why the claimed invention would have been obvious.

It is respectfully submitted that the Examiner has failed to articulate any reasons why the subject matter of claim 1 would have been obvious over Chen.

Moreover, the Office Action does not even contain a statement that the subject matter of claim 1 would have been obvious over Chen.

Further, the Examiner did not identify any difference between the subject matter of claim 1 and Chen. Therefore, the Examiner has failed to ascertain the differences between the prior art and the claims in issue, as required by the Examination Guidelines for Determining Obviousness and stated in *Graham v. John Deere Co.* 383 U.S. 1, 13, 148 U.S.P.Q. 459, 465 (1966).

Accordingly, the rejection of claim 1 is clearly defective.

Independent claim 5 recites a transceiver for providing data communications over residential twisted pair wiring, comprising:

an output driver having an output for supplying a transmit signal of a prescribed level to the residential twisted pair wiring, and

an output drive control system for comparing a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

The Examiner considers control circuit 113 (FIG. 1B) or control logic 201 (FIG. 2) of Cheng to correspond to the claimed output drive control system.

However, the Cheng controllers do not compare a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

It is noted that the Examiner did not identify any difference between the subject matter of claim 5 and Chen, and did not articulate why the subject matter of claim 5 would have been

obvious over Chen. It appears that the Examiner takes the position that Chen discloses all features of claim 5.

Therefore, the Examiner's rejection of claim 5 under 35 U.S.C. 103 as being obvious over Chen is improper.

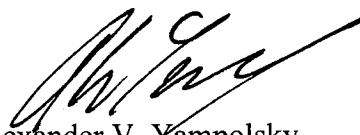
Claims 2-4 and 6-8 respectively depend from claims 1 and 5. Therefore, the rejection of these claims is improper at least for the reasons presented above in connection with claims 1 and 5.

In view of the foregoing, and in summary, claims 1-16 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AVY:apr
Facsimile: 202.756.8087
Date: December 1, 2008

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